

Supl 6
DEBATES and SPEECHES

In Both Houses of

PARLIAMENT

Concerning the

Schism-Bill:

With the Lords Protest against it.

AS ALSO

The Whole ACT at Large.

L O N D O N:

Printed and Sold by the Bookfellers of London
and Westminster. 1715. Price 3d.

DEBATES AND SPEECHES
in Both Houses of
PARLIAMENT

Concerning the

20th Nov. Bill:

With the Lords' Protest against it

AS ALSO

The Whole ACT at Large.

L O N D O N :

Printed and Sold by the Booksellers of London
and Westminster. 1715. Price 3d.

Debates and Speeches

Concerning the

Schism - Bill:

THE First of *June* an Engrossed Bill to prevent the Growth of Schism, and for the further Security of the Church of *England* as by Law Establish'd, was read a 3d. Time, and the Question being put, that the Bill do Pass; the same occasion'd a warm Debate.

It was mov'd to add these Words; and to prevent the Growth Popery; but Mr. Secretary *B——ey* said, that, that was Clogging the Bill.

Mr. *Hambden*, Mr. *Walpole*, General *Stanhope*, Mr. *Lechmere*, Sir *Peter King* and Sir *Joseph Jekyls*, exerted their natural Abilities and Eloquence in Opposing this Bill; Representing, among other things, that it tended to raise as great a Persecution against our Protestant Brethren, as the Primative Christians ever suffer'd from the Heathen Emperors, particularly *Julian* the Apostate. Mr. *Stanhope* shew'd in particular, the ill Consequences of this Law; as it would of course occasion Foreign Education, which, on the one hand would drain the Kingdom of vast Sums of Mo-

ney; and which was still worse, fill the tender Minds of Young Men with Prejudices against their own Country; he Illustrated and Strengthened his Reasoning, by the Example of *English* Popish Seminaries abroad; which he said were so Pernicious to *Great Britain*, that instead of making new Laws, which will encourage Foreign Education, he could wish those already in Force against Popish Schools were mitigated.

The Chief Sticklers for the Bill were, Mr. *Bromley*, Principal Secretary of State, Sir *William Windham*, Mr. *Collier* and Mr. *Hungerford*; Mr. *Bromley* said, among other Things, ' That the
' Dissenters were equally Dangerous, both to
' Church and State; and if the Members, who
' Spoke in their behalf, would have this Bill drop;
' he would readily consent to it; Provided a-
' nother Bill were brought in, to Incapacitate
' them, either to Sit in that House, or to Vote
' in Elections for Members of Parliament. Mr. *Walpole* answer'd this Speech with a great deal of Vivacity. After which Mr. *Hungerford* recapitulated, and labour'd to answer what was said by the Whigg Members; Mr. *Collier* back'd Mr. *Hungerford*, and in Order to expose the Dissenters, he desir'd Leave to read to the House a Collection of Absurdities and impious Expressions, which he pretended to have cull'd out of their Writings; after the reading of part of his impertinent Legend, he fell upon a Passage taken out of the nonserfical Rhapsodies of the late Mr. *Hickeringhill*, Minister at *Colchester*; wherein Mr. *Collier* pretended, he averr'd that our blessed Saviour was a Son of a W —. At these shocking Expressions Mr. *Bromley* stop't him short, saying, such impious Words ought not to be repeated in that Assembly. Some other Mem-
bers

bers observ'd on the other Hand, First that the late Mr. *Hickeringill* was not a Dissenting Teacher, but a Minister of the Church of *England*. 2. That he was known to be crack-brain'd; so that his Extravagancies and Blasphemies prove nothing against the Dissenters; Mr. *Leibmore* spoke against the Bill with a great deal of Vehemence, and among other Things took Notice, That the Indulgence granted to Protestant Dissenters, since the Revolution; had been so far from hurting the Church, that it had rather enlarg'd it's Pale; and that it was Notorious, that some Persons who had been bred Schismatics, were, or at least pretended to be the strongest Supporters of the Establish'd Church. Several other Speeches were made for and against the Bill. But whoever got the Better in point of Reasoning, it was carried by a Majority of 237 Votes against 126. That the Bill do Pass; Ordered that Sir *William Windham*, Chancellor of the *Exchequer*, who brought in the Bill, should carry it to the Lords and desire their Concurrence.

The Lords Debates.

BEFORE we proceed, it will not be amiss to take Notice; That the Publick were divided in their Opinions, whether the Lord Treasurer was for or against this Bill; they who held the Negative, suppos'd, that there having been of late some misunderstanding between him and the Lord *Belingbroke*, the latter, in order to strengthen his Party, was willing to Sacrifice the

the Dissenters, whom the *Lord Treasurer* still entertain'd with Promises of Supporting their Interest. But others, and the far greater Number; look'd upon the apparent coldness between those two Great Men, either as Chimerical or as a Political Artifice to amuse and divide their joynt Enemies; be that as it will, it was Observ'd, that the *Lord Harley*, *Thomas Harley Esq*; lately return'd from *Hanover*; and in short all my *Lord Treasurer's* Friends except his own Brother the Auditor, Voted for the Bill; which, on *June* the 2d. was carried to the Lords; their Lordships thought fit to proceed with the Maturest Deliberation in an Affair of so great Importance, and therefore put off the first Reading of the Bill till *Friday*, the 4th of *June*, when the Lords in and about *London*, were Summon'd to attend; In the mean Time the Presbyterians, Quakers and Foreign Protestants were not Idle, for besides their Private Solicitations, they and their Friends Represented in Print, the Hardships and Inconveniencies of such a Law. On *Friday* the 4th. of *June*, the Lords in a full House, Read the Bill in Question the First Time, and the *Lord Bolinbroke* said, it was a Bill of the last Importance, since it concerns the Security of the Church of *England*, which is the best and firmest Support of the Monarchy; both which, all good Men, and in particular that *August Assembly*, who derive their Lustre from, and are nearest the Throne, ought to have most at Heart; and therefore his Lordship mov'd that it should be maturely considered, and in Order thereto, That it might be read a second Time.

Hereupon the *Lord C ——— r* said, No Man was more ready than himself, to do every thing that should be necessary to attain the seeming Intention

tion of this Bill, viz. — The preventing the
 Growth of Schism, and the further Security of the
 Church of *England*; but that the Enacting Part
 would be so far from answering the Title of it,
 that in his Opinion it would have a quite contra-
 ry Effect, and prove equally pernicious to Church
 and State. His Lordship enlarg'd on those two
 Heads, in a Discourse of near half an Hour, a-
 mong other things, he represented, That instead
 of preventing Schism, and enlarging the Pale of
 the Church, this Bill tended to introduce Igno-
 rance, and its inseparable Attendance, Superstition
 and Irreligion; to this Purpose his Lordship
 took Notice, that in many Country Towns, read-
 ing, Writing and Grammar Schools were chiefly
 supported by the Dissenters, not only for the In-
 struction and Benefit of their own Children, but
 likewise of those of the poor Churchmen: So
 that the suppressing of those Schools, would in
 some Places suppress the reading of the Holy
 Scriptures: On the other Hand, his Lordship ob-
 serv'd, That this Bill struck at the ancient Rights
 and Prerogative of the House of Peers, which by
 the Constitution is the supreme Court of Judica-
 ture, and the *Dernier Resort* in all Causes; where-
 as by this Bill, the Justices of Peace were empow-
 er'd finally to hear and determine the Offences a-
 gainst the same. My Lords, added he, I would
 rather enlarge than abridge the Power of Justices
 of the Peace, were it but to encourage Gentlemen
 to take upon them an Office so troublesome, and
 at the same Time so unprofitable, unless it be per-
 haps in the County of *Middlesex*. But my Lords,
 I shall never consent to give up the Birth-right
 and ancient Priviledges of this August Assembly,
 of which I have the Honour to be a Member.

The

The Earl of *W—n*, Spoke afterwards with a great deal of Eloquence, and the Substance of his Discourse was, That he was agreeably Surpriz'd, to see that some Persons were on a sudden, become so Religious, as to set up for Patrons of the Church; But that he could not but wonder, that Persons who had been Educated in Dissenting Academies, which he could point at, and whose Tutors he could Name, should appear the most Forward in Suppressing them; that this would be but an indifferent return for the Benefits the Publick had received from those Schools which had bred those Great Men, who had made so Glorious a Peace, and Treaties that Execute themselves; who had obtain'd so great advantages for our Commerce; and who had Paid the Publick Debts, without further Charge to the Nation: So that he could see no reason there was to Suppress those Academies, unless it were an Apprehension that they might still produce greater Geniuses that should Drown the Merits and Abilities of those Great Men; My Lords continu'd he, to be serious, 'Tis no less Melancholy, than Surprising; that at a Time when the Court of *France* Prosecutes the design they have long since laid, to Extirpate our Holy Religion, when not only Secret Practices are used to Impose a Popish Pretender on these Realms, but Men Publickly Inlisted into his Service; it is Melancholy and Surprising, I say, that at this very Time, a Bill should be brought in, (which cannot but tend) to divide Protestants, and consequently to Weaken their Interests, and hasten their Ruin. But then the Wonder will Cease; if we Consider what Mad Men were the Contrivers and Promoters of this Bill. My Lord *Wharton* excepted
also

also against the Word Schism, with which the Frontispiece of this Bill was set off, and said, it was somewhat strange they should call Schism in *England*, what's the Establish'd Religion in *Scotland*, and therefore if the Lords who Represented the Nobility of that part of *Great Britain* were for this Bill, he hop'd, that in Order to be even with us, and consistent with themselves, they would bring in another Bill to prevent the Growth of Schism in their own Country: He said also on another Occasion (for his Lordship spoke more than once) That both in this Bill, and in the Speeches of those who declar'd for it, several Laws were recited and alledged; but that there was a Law that had not yet been mention'd: I expected, added he, that venerable Bench (turning to the Bishops) would have put us in Mind of it, but since they are pleased to be silent in this Debate, I will my self tell them, that 'tis the Law of the Gospel, *To do unto others as we would be done unto.*

The Earls of *A——n* and *An——y* spoke afterwards for the Bill; and the latter said among other things, that the Dissenters were equally dangerous to the Church and State, that they were irreconcilable Enemies to the Establish'd Church, which they had sufficiently manifested in the late King *James* the 2^d's Reign, when in Order to obtain a Toleration they joyn'd themselves with the Papists; and that they had render'd themselves unworthy of the Indulgence the Church of *England* granted them at the Revolution, by endeavouring to engross the Education of Youth, for which Purpose they had set up Schools and Academies in most Cities and Towns in the Kingdom, to the great Detriment of the Universities,

B

and

and Danger of the Established Church. The Lord *H——* spoke on the other Side, and among other things said, That the very bringing in of this Bill was injurious to the Queen, and he could not believe Her Majesty would ever give Her Royal Assent to such a Law, after the solemn Declaration she had made from the Throne, that *She would maintain the Toleration inviolably*, which this Bill visibly struck at: He added, That Her Majesty made it the Glory of her Reign, to follow the Steps of Queen *Elizabeth*, who had not only entertain'd and protected the reform'd *Wal-loons*, who took Sanctuary in Her Dominions, from the *Spanish* Inquisition, but had likewise allow'd them the Publick Exercise of their Religion, and caused a Clause to be incerted in their Favour, in the Act of Uniformity; that thereby that Wise and Glorious Queen had vastly increas'd the Wealth of her Realms, the Walloons having settled here the Woollen Manufactures, which are the best Branch of the National Trade, that the Protection and Encouragement the late King *William* and Queen *Mary*, and Her present Majesty had given to the *French* Refugees, had prov'd no less advantageous to *Great Britain*; and therefore it would be a Piece of Barbarity to make an Act which should debarr many *French* Protestants of means of subsisting, either by keeping Publick Schools, or teaching in Private Families, especially considering their late hard Usage, the Government not having for above three Years past paid them any part of the 15000*l.* per Annum, allow'd by Parliament in the Civil List, towards the Maintenance of their Ministers and Poor. His Lordship concluded, with taking Notice of the fatal Consequences of persecuting the Dissenters,

ters, in K. Charles the 1sts Reign, which kindled a furious and unnatural Civil War, and ended in the total Overthrow of Church and State, and in the King's Parricide.

The Lord Viscount T——d spoke on the same Side, and among other Arguments represented the ill Effects of Persecution in general; he said to that Purpose, He had liv'd a long Time in *Holland*, and had observ'd, That the Wealth and Strength of that great and powerful Commonwealth, lies in the Number of its Inhabitants; but that he was perswaded, That if the States should cause the Schools of any one Sect tollerated in the United Provinces, to be shut up, they would soon be as thin of People as *Sweden* or *Spain*, whereas they now swarm with Inhabitants. The Lord N—— and G——, who spoke for the Bill, maintain'd the General Assertion of the Party, viz. *That the Church was in Danger from Schismatics.*

The Earl of N——m said thereupon, He own'd he had formerly been of Opinion, that the Occasional Conformity of Dissenters, was dangerous to the Establish'd Church, and therefore he ever promoted the Bill to prevent it; but that the Church having now that Security, he believ'd her safe and out of Danger, and therefore he thought himself in Conscience oblig'd to oppose so barbarous a Law as this, which tended to deprive Parents of their natural Right of educating their Children; he added, he had observ'd from History and from his own Experience, that all the Persecutions that had been rais'd in *England* against Schismatics, originally proceeded from, and tending to favour Popery. His Lordship likewise excepted against that Part of the Bill, which enacts, That any Person who shou'd keep any Publick or Private School, or

Trust Youth as Tutor, should have a License of the respective Archbishop or Bishop of the Place. My Lords, said he, I have many Children, and I know not whether God Almighty will vouchsafe to let me live to give them the Education I could wish they had, therefore my Lords, I own I tremble when I think, that a certain Divine (meaning *St—r*) who is hardly suspected of being a Christian, is in a fair Way of being a Bishop, and shall one Day give Licences to those who shall be intrusted with the Instruction of Youth. Some other Lords made Speeches for and against the Bill. But the Lord *Tr—r*, contented himself with saying, That he had not yet consider'd of it; but when he had, he would vote according as it should appear to him to be either for the Good or the Detriment of his Country; and therefore he was for reading the Bill a second Time, which was agreed to without dividing, and put off to the Monday following.

After this the Presbyterians present a Petition, praying that they might be heard by their Council against the Bill; but the same was rejected by a Majority of 72 Votes against 66. It was observ'd, that on this Occasion the Earl of *P—t*, the Lord *F—y*, the Lord *M—e*, and some other Friends of the Lord *Tr—r*, voted with the Whigg Lords, for the allowing of the said Petition, and that the Lord *T—r* himself went out of the House, that he might not be oblig'd to declare on either Side; which strengthened their Opinion, who thought this Bill levell'd against his Lordship.

On Monday the 7th. of *June*, the Lords read the said Bill a second Time, and referr'd it to a Committee of the whole House, the Wednesday follow-

following; after which their Lordships took into Consideration the Case of the *Dutch* and *French* Protestant Churches above mention'd (which had been presented the Saturday before) and after a small Debate it was carry'd without dividing, that a Clause should be inserted in the Bill in Favour of the said Churches. On the 9th of *June*, their Lordships in a Committee of the whole House, of which his Grace the Lord Archbishop of *York* was chosen Chairman, took the said Bill into Consideration, and examin'd the same, Paragraph by Paragraph, from one in the Afternoon, 'till eight in the Evening. The Lord Bishop of *London*, who was one of the first that spoke in this Day's Debate, said, That the Dissenters had made this Bill necessary, by their Endeavours to propagate their Schism, and to draw the Children of Churchmen to their Schools and Academies; to which my Lord *H——x* answer'd, That what they did was with the Knowledge and Consent of the Parents, who had not sufficient Means to educate their own Children, and his Lordship took occasion from thence to move, that since this Bill was occasion'd as was suggested, by the Dissenters endeavouring to engross the Education of the Youth of both Perswasions, they might be allow'd Schools to instruct their own Children. Which Motion being form'd into a Question was debated for near three hours. The Lords *Cowper* and *Halifax*, the Earl of *Sunderland*, and some other Peers, made several Speeches for the Affirmative, but the Lord Viscount *B———ke*, the Earl of *A——y*, the Duke of *B——m* and the Earl of *A——n*, and the Lord Chancellor, insisted on the Negative, which was at last carry'd by 62 Votes against 48. After this it was mov'd that the Dissenters might at least

least be suffer'd to have Schoolmistresses to teach their Children to read, which after a Debate of half an Hour, was carry'd without dividing; as was also a Clause, That this Act should not extend to any Person who should instruct Youth in Reading, Writing, Arithmetick, or any other Part of Mathematical Learning only, so far as such Mathematical Learning relates to Navigation, or any Mechanical Art only. Then their Lordships examin'd that Part of the Bill, whereby the Conviction of Offenders against this Act, was left to the Justices of the Peace; and after a warm Dispute, it was carry'd by a Majority of 59 Votes against 54, that the Conviction shou'd be in the ordinary Course of Justice, *viz.* upon an Information, Presentment or Indictment in any of Her Majesty's Courts of Record at *Westminster*, or at the Assizes, or before Justices of Oyer and Terminer. The Court Party, finding by this last Division, that they lost Ground considerable, and being apprehensive, that other Amendments might be made, which would render the Bill altogether useless; mov'd, That the Chairman should leave the Chair, in order to adjourn; but tho' the contrary Party at first oppos'd it, yet after some Debate upon the Penalties to be inflicted on the Offenders, both Parties being equally Tir'd, the House adjourn'd to the next Day. Accordingly on Thursday the 10th of *June* the Lords in a Committee of the whole House, resum'd the Debate about the Penalties, and fixt the same to three Months Imprisonment; after which it was mov'd and agreed, That Persons aggriev'd might appeal from Ecclesiastical Censures, as in Cases of ordinary Jurisdiction: A Clause was afterwards propos'd and carry'd, to exempt from the Penalties

of

of this Act, any Tutor who shall be employ'd by any Nobleman or Noblewoman to teach in their Families, provided such Tutor do in every Respect qualify himself according to this Act, except only in that of taking a License from the Bishop; there was no Division on these Questions, but the Debate lasted till six in the Evening.

The next Day, their Lordships, still in a grand Committee, consider'd further of the Bill to prevent the Growth of Schism, &c. and the Earl of *A—y* mov'd, That a Clause might be inserted in it, to extend this Act to *Ireland*; which after some Debate was carry'd in the Affirmative, by the Majority of one Voice only. After which it was order'd that the Amendments made to the Bill, should be reported to the House the Monday following, accordingly on the 14th of *June*, the Archbishop of *York* made the said Report, and several severe Speeches were made against the Clause to extend this Bill to *Ireland*, particularly by the Duke of *Shrewsbury*, Lord Lieutenant of that Kingdom; who being just return'd from thence, took that critical Day his Seat in the House: but the Question being put, it was carry'd by a Majority of 57 Votes against 51, that the said Clause should stand, and order'd that the Bill with the other Amendments which were approv'd, shou'd be engross'd: The next Day being the 15th of *June*, the Bill was read the third Time; and after a small Debate, it was carry'd by a Majority of 79 Votes against 71, that the Bill do pass. This done, the Lords sent a Message to the Commons, that they had agreed to the said Bill, with several Amendments, to which they desir'd the Concurrence of that House.

The

The Lords Protest.

Dissentient.

1. **W**E cannot apprehend (as the Bill recites) that great Danger may ensue from the Dissenters to the Church and State ; because by Law no Dissenter is capable of any Station, which can be suppos'd to render him dangerous.

2. And since the several Sects of the Dissenters differ as much as they do from the Established Church, they can never form of themselves a National Church ; nor have any Temptation to set up any one Sect among them ; for in that Case, all that the other Sects can expect, is only a Toleration, which they already enjoy by the Indulgence of the State ; and therefore 'tis their Interest to support the Establish'd Church against any other Sect that would attempt to destroy it. If nevertheless the Dissenters were dangerous, Severity is not so proper and effectual a Method to reduce them to the Church, as a charitable Indulgence, as is manifest by Experience ; there having been more Dissenters reconcil'd to the Church, since the Act of Toleration, than in all the Time since the Act of Uniformity, to the Time of the Act of Toleration ; and there is scarce one considerable Family in *England*, in Communion with the Dissenters. Severity may make them Hypocrites, but not Converts.

3. If Severity could be suppos'd ever to be of Use, yet this is not a proper Time for it, while we are threatned with much greater Dangers to our Church and Nation, against which the Pro-
testant

testant Dissenters have joyn'd, and are still willing to joyn with us in our Defence; therefore we would not drive them from us, by enforcing the Laws against them, in a Matter which of all others, must most sensibly grieve them, *viz.* the Education of their Children, which reduces them to a Necessity either of breeding them in a Way they do not approve, or of leaving them without Instruction.

4. This must be more grievous to the Dissenters, because it was little expected from the Members of the Establish'd Church, after so favourable an Indulgence as the Act of Toleration; and the repeated Declarations and Professions from the Throne and former Parliaments against Persecution, which is the particular Badge of the Roman Church, which Avows and Praises this Doctrine; and yet this has not been retaliated even upon the Papists: For all the Laws made against them, have been the Effect and just Punishment of Treasons from Time to Time committed against the State. But it is not pretended that this Bill is design'd as a Punishment of any Crime which the Protestant Dissenters have been guilty of against the Civil Government, or that they are disaffected to the Protestant Succession as by Law Establish'd, for in this their Zeal is very conspicuous.

5. In all the Instances of making Laws, or of a rigid Execution of the Laws against Dissenters, it is very remarkable, That their Design was to weaken the Church, and to drive them into one common Interest with the Papists, and to joyn in Measures tending to the Destruction of it. This was the Method suggested by Popish Councils, to prepare them for the two successive Declarations

in the Time of King *Charles* the 1st. and the following one Issued out by King *James* the 1st. to ruin all our Civil and Religious Rights; and we cannot think that the acts and contrivances of the Papists to subvert our Church, are proper means to preserve it; especially at a time when we are in more Danger of Popery than ever, by the Designs of the Pretender, supported by the mighty Power of the *French King*, who is engag'd to extirpate our Religion, and by great Numbers in this Kingdom, who are professedly in his Interests.

6. But if the Dissenters should not be provok'd by this Severity, to concur in the Destruction of their Country and the Protestant Religion; yet we may justly fear, that they may be driven by this Bill from *England*, to the great Prejudice of our Manufactures; for as we gain'd them by the Persecution abroad, so we may lose them by the like Proceedings at Home.

7. The Miseries we apprehend here, are greatly enhanc'd by extending this Bill to *Ireland*, whereby the Consequences of it may be fatal; for since the Numbers of Papists in that Kingdom far exceeds the Protestants of all Denominations together, and that the Dissenters are to be treated as Enemies, or at least, as Persons dangerous to that Church and State, who have always, in all Times, joyn'd, and still would joyn with the Members of that Church, in their common Defence, against the common Enemy of their Religion; and since the Army there is very much reduced, the Protestants thus unnecessarily divided, seems to us to be expos'd to the Danger of another Massacre, and the Protestant Religion in Danger of being extirpated: And we may further fear, that the *Scots* in *Britain*, whose National Church is the Presbyter-
rian,

rian, will not so heartily and zealously joyn with us in our Defence, when they see those of the same Nation, same Blood, and same Religion so hardly treated by us: And this will still be more greivous to the Protestant Dissenters in *Ireland*, because whilst the Popish Priests are register'd, and so indulg'd by Law, as that they exercise their Religion without any Molestation, the Dissenters are so far from enjoying the like Toleration, that the Laws are by this Bill enforced against them.

(E.) *Torrington*(M.) *Dorchester*(E.) *Middlesex*and *Dorset*(D.) *Devonshire*(E.) *Scarborough*(E.) *Carlisle*(E.) *Derby*(E.) *Nottingham*(E.) *Orford*(L.) *Somers*(D.) *Schomberg*
and *Leimster*(L.) *Cowper*(E.) *Greenwich* and —(D.) *Somerset*(V.) *Townshend*(E.) *Sunderland*(D.) *Bolton*(D.) *Grafton*(E.) *Wharton*(L.) *Cornwallis*(E.) *Lincoln*(E.) *Radnor*(L.) *Rockingham*(L.) *Haverham*(L.) *Foley*(V.) *De Longueville*(L.) *Hallifax*(D.) *Argyle*

Lords Bishops.

*J. Ely**Jo. Bangor**W. Asaph**Jo. Landaff**W. Lincoln*

*An Act to Prevent the Growth of Schism,
and for the further security of the Churches
of England and Ireland, as by Law
Established.*

VV Hereas, by an Act of Parliament, made in the 13th and 14th Years of his late Majesty King Charles the second, intituled, *An Act for the Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies; and for establishing the Form of making, ordaining and consecrating Bishops, Priests and Deacons in the Church of England;* it is among other Things Enacted, That any Schoolmaster, keeping any Publick or Private School, and every Person instructing or teaching any Youth, in any House or private Family, as a Tutor or Schoolmaster, should subscribe before his or their respective Archbishop, Bishop, or Ordinary of the Diocese, a Declaration or Acknowledgment, in which, among other Things, was contain'd as follows, *viz.* I *A. B.* do declare that I will conform to the Liturgy of the Church of *England* as it is now by Law established; and if any Schoolmaster or other Person, instructing or teaching Youth in any Private House or Family, should instruct or teach any Youth as a Tutor or Schoolmaster, before License obtain'd from his respective Archbishop, Bishop, or Ordinary of the Diocese, according to the Laws and Statutes of this Realm, for which he should pay twelve Pence only, and before such Subscription and Acknowledgment, as aforesaid; then every Schoolmaster or other, instructing and teaching as aforesaid,
Should

Should for the first Offence suffer three Months Imprisonment without Bail or Mainprize, and also to forfeit to His Majesty the Sum of five pound. And whereas notwithstanding the said Act, sundry Papists, and other Persons dissenting from the Church of *England*, have taken upon them to instruct and teach Youth, as Tutors or Schoolmasters, and have for such Purpose openly set up Schools and Seminaries, whereby, if due and speedy Remedy be not had, great Danger might ensue to this Church and State; for the making the said recited Act more effectual, and preventing the Danger aforesaid, Be it Enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That every Person or Persons, who shall from and after the first Day of *August*, next ensuing, keep any Publick or private School or Seminary, or teach or instruct any Youth, as Tutor or Schoolmaster, within that Part of *Great Britain* called *England*, the Dominion of *Wales*, or Town of *Berwick upon Tweed*; before such Person or Persons shall have subscribed so much of the said Declaration and Acknowledgment as is before recited; and shall have had a License from the respective Archbishop, Bishop, or Ordinary of the Place, under his Seal of Office (for which the Party shall pay one Shilling, and no more, over and above the Duties payable to Her Majesty for the same) and be thereof lawfully convicted, upon an Information, Presentment or Indictment, in any of Her Majesty's Courts of Record at *Westminster*, or at the Assizes, or before Justices of Oyer and *Terminer*, shall and may be committed to the common

mon Goal of such County, Riding, City or Town Corporate, as aforesaid, there to remain without Bail or Mainprize, for the Space of three Months, to commence from the Time that such Person or Persons shall be received into the said Goal. Provided always, and be it hereby Enacted, That no License shall be granted by any Archbishop, Bishop or Ordinary, unless the Person or Persons who shall sue for the same, shall produce a Certificate of his or their having receiv'd the Sacrament according to the Usage of the Church of *England*, in some Parish Church, within the space of one Year before the Grant of such License, under the Hand of the Minister, and one of the Churchwardens of the said Parish; nor untill such Person or Persons shall have taken and subscribed the Oaths of Allegiance, and Supremacy, and Abjuration, according to Law, and shall have made and subscrib'd the Declaration against Transubstantiation, contain'd in the Act made in the 25th Year of the Reign of King *Charles* the 2d, intituled an Act for preventing Dangers which may happen from Popish Recusants, before the said Archbishop, Bishop or Ordinary, are hereby empower'd and requir'd to administer and receive, and such Archbishops, Bishops and Ordinaries, are required to file such Certificates, and keep an exact Register of the same, and of the taking and subscribing such Oaths and Declarations. *And* be it further Enacted, by the Authority aforesaid, That any Person who shall have obtain'd a License, and subscrib'd the Declarations, and taken and subscribed the Oaths as above appointed, and shall at any Time after, during the Time of his or their keeping any Publick or Private School or Seminary, or instructing any Youth as Tutor or Schoolmaster

master, knowingly or willingly, resort to, or be present at any Conventicle, Assembly or Meeting, within *England, Wales* or *Town of Berwick upon Tweed*, for the Exercise of Religion, in any other Manner than according to the Liturgy and Practice of the Church of *England*, or shall knowingly or willingly be present at any Meeting or Assembly for the Exercise of Religion (altho' the Liturgy be there used) where Her Majesty (whom God long preserve) and the Elector of *Brunswick*, or such others as shall from Time to Time be lawfully appointed to be pray'd for; shall not there be pray'd for in exprefs Words, according to the Liturgy of the Church of *England*, except where such particular Offices of the Liturgy are used, wherein there are no exprefs Directions to pray for Her Majesty and the Royal Family; shall be liable to the Penalties in this Act, and shall from henceforth be incapable of keeping any publick or private School or Seminary, or instructing any Youth as Tutor or Schoolmaster. And be it further Enacted, by the Authority aforesaid, That if any Person licensed as aforesaid, shall teach any other Catechism, than the Catechism set forth in the Book of Common Prayer, the License of such Person shall from thenceforth be void; and such Person shall be liable to the Penalties of this Act. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for the Bishop of the Diocese, or other proper Ordinary, to cite any Person or Persons whatsoever, keeping a School or Seminary, or teaching without License as aforesaid, and to proceed against, and punish such Person or Persons by Ecclesiastical Censure, subject to such Appeals as in Cases of ordinary Jurisdiction, this Act, or any other

other Law to the contrary, notwithstanding. Provided always, That no Person offending against this Act, shall be punish'd twice for the same Offence. Provided also, That where any Person shall be prosecuted without Fraud or Covin, in any of the Courts aforesaid, for any Offence contrary to this Act, the same Person shall not be afterwards prosecuted for the same Offence, in any of the said Courts, whilst such former Prosecution shall be pending or carried on, without any wilful Delay; and in Cases of any such after-Prosecution, the Person so doubly prosecuted may alledge, plead, or shew forth in his Defence against the same, such former Prosecution, pending or Judgment, or Sentence thereupon given; the said Pleader first making Oath before the Judge or Judges of the Court where such after-Prosecution shall be pending, and which said Oath he or they are hereby impower'd and requir'd to administer, That the said prior Prosecution was not commenc'd or carry'd on by his means, or with his Consent, or Procurement, or by Fraud or Collusion of any other Person, to his Knowledge or Belief. Provided always, that this Act, or any thing therein contain'd, shall not extend, or be construed to extend to any Tutor, teaching or instructing Youth in any Colledge, or Hall within any of the Universities of that Part of *Great Britain* called *England*; nor to any Tutor who shall be employ'd by any Nobleman or Noblewoman, to teach his or her own Children, Grand Children, or Great Grand Children only, in his or her Family, provided such Tutor, so teaching, in any Nobleman or Noblewoman's Family, do in every Respect qualify himself according to this Act, except only in that of taking a License from the

the Bishop. Provided also, That the Penalties in this Act shall not extend to any Foreigner or Alien of the Reformed Churches abroad, allowed or to be allowed by the Queen's Majesty, her Heirs and Successors, in *England*, for instructing or teaching any Child or Children, of any such Foreigner or Alien only, as a Tutor or Schoolmaster. Provided always, and be it further Enacted, by the Authority aforesaid, That if any Person who shall have been convicted as aforesaid, and thereby made incapable to teach or instruct any Youth as aforesaid, shall after such Conviction conform to the Church of *England* for the Space of one Year, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, at least three times in that Year; every such Person or Persons, shall be again capable of having and using a License, to teach School, or to instruct Youth as a Tutor or Schoolmaster, he or they also performing all that is made requisite thereunto by this Act. Provided also, and be it further Enacted, That every such Person so convicted, and afterwards conforming, in Manner as aforesaid; shall, at the next Term after his being admitted to, or taking upon him, to teach or instruct Youth as aforesaid, make Oath in Writing, in some one of Her Majesty's Courts at *Westminster*, in publick and open Court, or at the next Quarter Sessions for that County, or Place where he shall reside, between the Hours of 9 and 12 in the Forenoon, that he hath conformed to the Church of *England*, for the Space of one Year, before such his Admission, without having been present at any Conventicle, Assembly or Meeting

as aforesaid, and that he hath received the Sacrament of the Lord's Supper, at least three Times in the Year; which Oath shall be there enroll'd and kept upon Record. Provided always, That this Act shall not extend, or be construed to extend to any Person, who as a Tutor or Schoolmaster, shall instruct Youth in Reading, Writing, Arithmetick, or any Part of Mathematical Learning only, so far as such Mathematical Learning relates to Navigation, or any Mechanical Art only, and so as such Reading, Writing or Mathematical Learning shall be taught in the English Tongue only. And whereas, By Act of Parliament made in *Ireland*, in the 17th and 18th Years of his said late Majesty K. Charles the II entituled, *An Act for the Uniformity of Publick Prayers, and Administration of the Sacraments, and other Rites and Ceremonies, and for establishing the Form of making, ordaining and consecrating Bishops, Priests and Deacons, in the Church of England*; it is Enacted concerning Schoolmasters, and other Persons instructing Youth in private Families in *Ireland*, as in and by the above recited Act is Enacted concerning Schoolmasters and others instructing Youth in private Families in that Part of *Great Britain* called *England*; and whereas it is reasonable, that where the Law is the same, the Remedy and Means for enforcing the Execution of the Law, should be the same: Be it therefore Enacted, by the Authority aforesaid, That all and every the Remedies, Provisions and Clauses, in and by this Act given, made and enacted, shall extend, and be deem'd, constru'd and judg'd to extend to *Ireland*, in as full and effectual a Method as if *Ireland* had been expressly named and mentioned, in all and every the Clauses in this Act.

ra-
nes
and
A&
ny
in-
ck,
fo
Na-
as
ing
And
in
K.
y of
nts,
the
ops,
is
er-
re-
ac-
uc-
eat
fo-
ne-
the
ac-
le-
in
hall
to
Me-
and
A&
1